

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Eland Road, 650' W of the
c/l of Foxland Road
(3904 Eland Road)
10th Election District
6th Councilmanic District

Brent Dawson Lehmann, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-258-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 3904 Eland Road, located in the vicinity of Manor and Sweet Air Roads in Phoenix. The Petition was filed by the owners of the property, Brent D. and Linda W. Lehmann. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed 25' x 33' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavit submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance

ORDER RECEIVED

Date

By

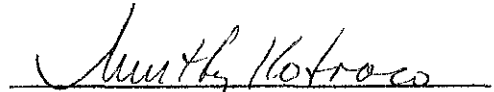
MICROFILMED

with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 1997 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed 25' x 33' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appeal period from the date of this Order has expired. If, for any reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 14, 1997

Mr. & Mrs. Brent D. Lehmann
3904 Eland Road
Phoenix, Maryland 21131

RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Eland Road, 650' W of the c/l of Foxland Road
(3904 Eland Road)
10th Election District - 6th Councilmanic District
Brent Dawson Lehmann, et ux - Petitioners
Case No. 97-258-A

Dear Mr. & Mrs. Lehmann:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

RECEIVED



Petition for Administrative Variance

97-258 A

to the Zoning Commissioner of Baltimore County

for the property located at 3904 Eland Road - 21131

which is presently zoned RC4-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) BCZR SEC. 1A04.3.B.3

To allow an addition with a side yard setback of 25' in lieu of the minimum required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Request an addition 33 x 25' one story. The Dining Room is out of proportion with the Living Room and the Kitchen and does not allow proper use of the house's lower level.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s):

Brent Dawson Lehmann

(Type or Print Name)

Signature

Linda Waybright Lehmann

(Type or Print Name)

Signature

3904 Eland Road

592-3950

Address

Phone No

Phoenix, Maryland

21131

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Above

Name

592-3950

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JRF

DATE

12-16-94

ESTIMATED POSTING DATE:

12-29-94



Printed with Soybean Ink
on Recycled Paper

ITEM #:

258

ORDER RECEIVED FOR FILING

Date

By

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3904 Eland Road
address
Phoenix, Maryland 21131
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

They have just completed a house at the corner of Eland and
Foxland 1 Block away which has over 5,000 sq. ft. as opposed
to our home of 2,500 sq. ft. and much smaller dining area.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Brent Dawson Lehmann
(signature)

Brent Dawson Lehmann
(type or print name)



Linda Waybright Lehmann
(signature)

Linda Waybright Lehmann
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of Dec., 19 96, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Brent Dawson Lehmann and Linda Waybright Lehmann

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12/5/96
date

NOTARY PUBLIC

Michael B. Smith, Jr.
My Commission Expires: 12/1/98

ZONING DESCRIPTION FOR 3904 Eland Road - 21131
(address)

Beginning at a point on the north side of Eland Road which is 30 feet wide at the distance of 650 feet west of the centerline of the nearest improved intersecting street Foxland which is 50 feet wide. Being Lot #13, in the subdivision of Manor Ridge as recorded in Baltimore County Plat Book # 35, Folio #129, containing 1.05 acres. Also known as 3904 Eland Road and located in the 10 Election District, 6 Councilmanic District.

#258

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

"9. 029744

DATE 12-16-96

ACCOUNT R-001-615.000

AMOUNT \$ 50.00

RECEIVED FROM: LEHMANN

ADMIN.
OF VARIANCE

TAKEN BY: JRF

FOR: ITEM # 255

CASE # 97-258-A

MICROFILM

BA 1009456AM12-18-96

200.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 258

Petitioner: Brent and Linda Lehmann

Location: 3904 ELAND ROAD - 21131

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Brent Lehmann

ADDRESS: 3904 - ELAND ROAD

PHOENIX MD - 21131

PHONE NUMBER: 410-592-3950

AJ:ggs

(Revised 09/24/96)

MICROFILMED



CERTIFICATE OF POSTING

RE: Case No.: 97-258-A

Petitioner/Developer: _____

BRENT LEHMANN

Date of Hearing/Closing: 1/13/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

3904 ELAND RD

The sign(s) were posted on DEC. 28, 1996
(Month, Day, Year)

Sincerely,

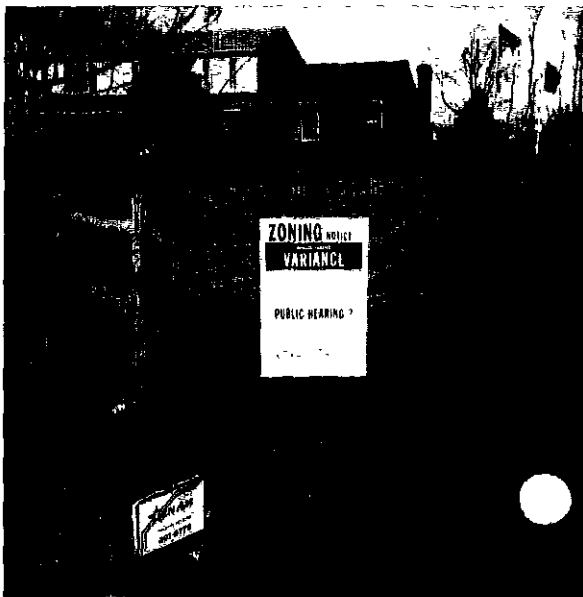
Richard E. Hoffman 12/28/96
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

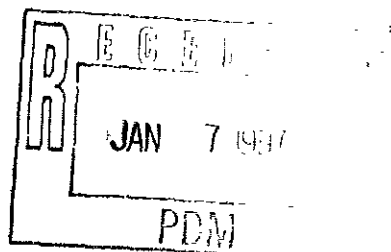
904 DELLWOOD DR.
(Address)

FALLSTON, MD. 21047
(City, State, Zip Code)

(410) 875 3127
(Telephone Number)



12/28/96 R29K
3904 ELAND AVE. RD.



Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 12-29-96

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-258-A

TO ALLOW AN ADDITION WITH A SIDE YARD
SETBACK OF 25' IN LIEU OF THE MINIMUM
REQUIRED 50'

PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

JANUARY 13, 1997

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 7, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-258-A (Item 258)

3904 Eland Road

N/S Eland Road, 650' +/- W of c/l Foxland Road

10th Election District - 6th Councilmanic

Legal Owner(s): Brent Dawson Lehmann and Linda Waybright Lehmann

Post by Date: 12/29/96

Closing Date: 01/13/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

cc: Brent and Linda Lehmann



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on Recycled Paper

John Alipartian

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: January 3, 1997

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for January 6, 1997
Item Nos. 258, 259, 261, 262,
263, 265, 267, 268

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:jrb

cc: File

ZONE44

3900 Eland Road
PHOENIX, MD 21131

December 10, 1996

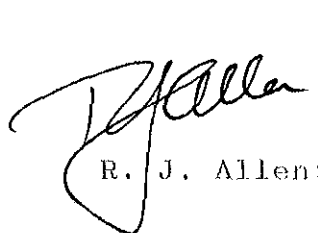
Baltimore County Zoning Commission
TOWSON, Maryland

Dear Madam/Sir;

I am writing to you concerning the request by Brent and Linda Lehman, of 3904 Eland Road, for a zoning variance in order to permit them to place a 25' X 33' addition on the western side of their home at the same address, thereby bringing the outer boundary of their home to within 25' of the property line which runs at an azimuth North, 10 degrees 17 minutes 00 seconds West.

My wife Janice and I are owners of the residential property at 3900 Eland Road, directly to the west of the Lehman's home. We have no objection either to the location or to the size of the proposed addition to the Lehman's home.

Sincerely,

 Janice R. Allen
R. J. Allen; J. R. Allen

#258

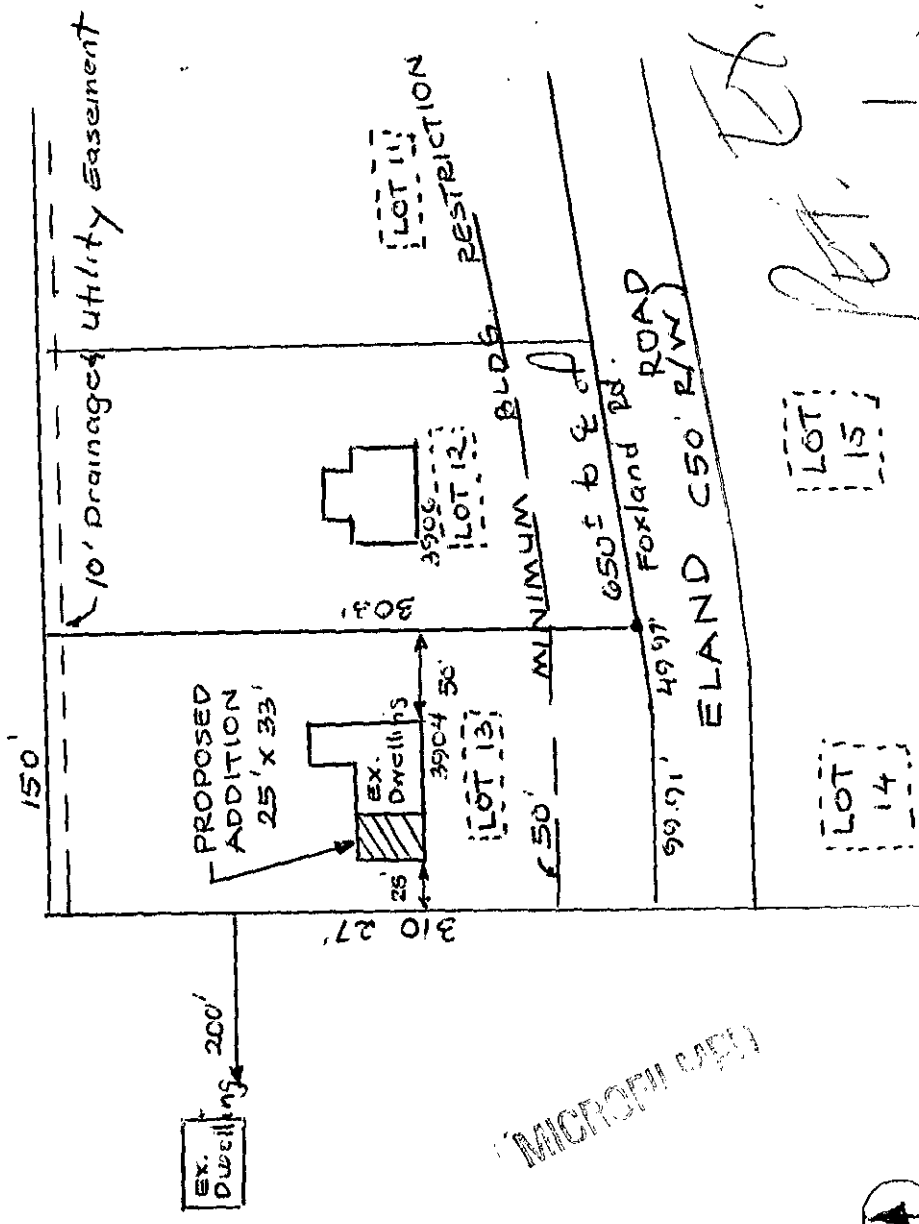
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3904 ELAND RD. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: MANOR RIDGE SUBD.

[plat book # 35, folio # 129, lot # 13, section #]

OWNER: BRENT & LINDA LEHMANN 97-258-A



Vicinity Map
North
scale: 1"=1000'

LOCATION INFORMATION

Election District: 10th

Councilmanic District: 6

1"=200' scale map#: NE 20-0

Zoning: RC-5

Lot size: 1.05Ac. 45,738 square feet

Public Private
SEWER: ☐ ☒ WATER: ☐ ☒
Chesapeake Bay Critical Area: ☐ ☒ Prior Zoning Hearings: ☐ ☒

NONE

Zoning Office USE ONLY!

reviewed by: JRF ITEM #: 258 CASE#:

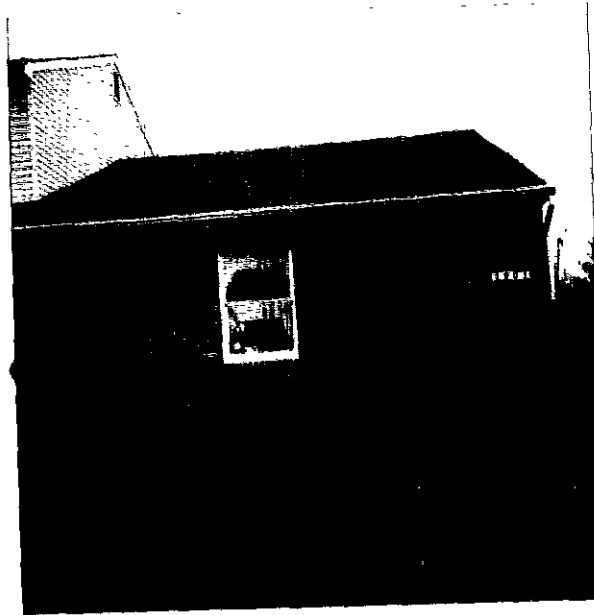
North
date: 12-2-97
prepared by: DL
Scale of Drawing: 1"= 100'

MICROFILM COPY



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204



Addition the same as this
end with Dissert Window
3904 ELANDR
258

MICROFILMED



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Side Yard
where
Proposed
Addition
13 to
90



Front



258

RECEIVED

Back





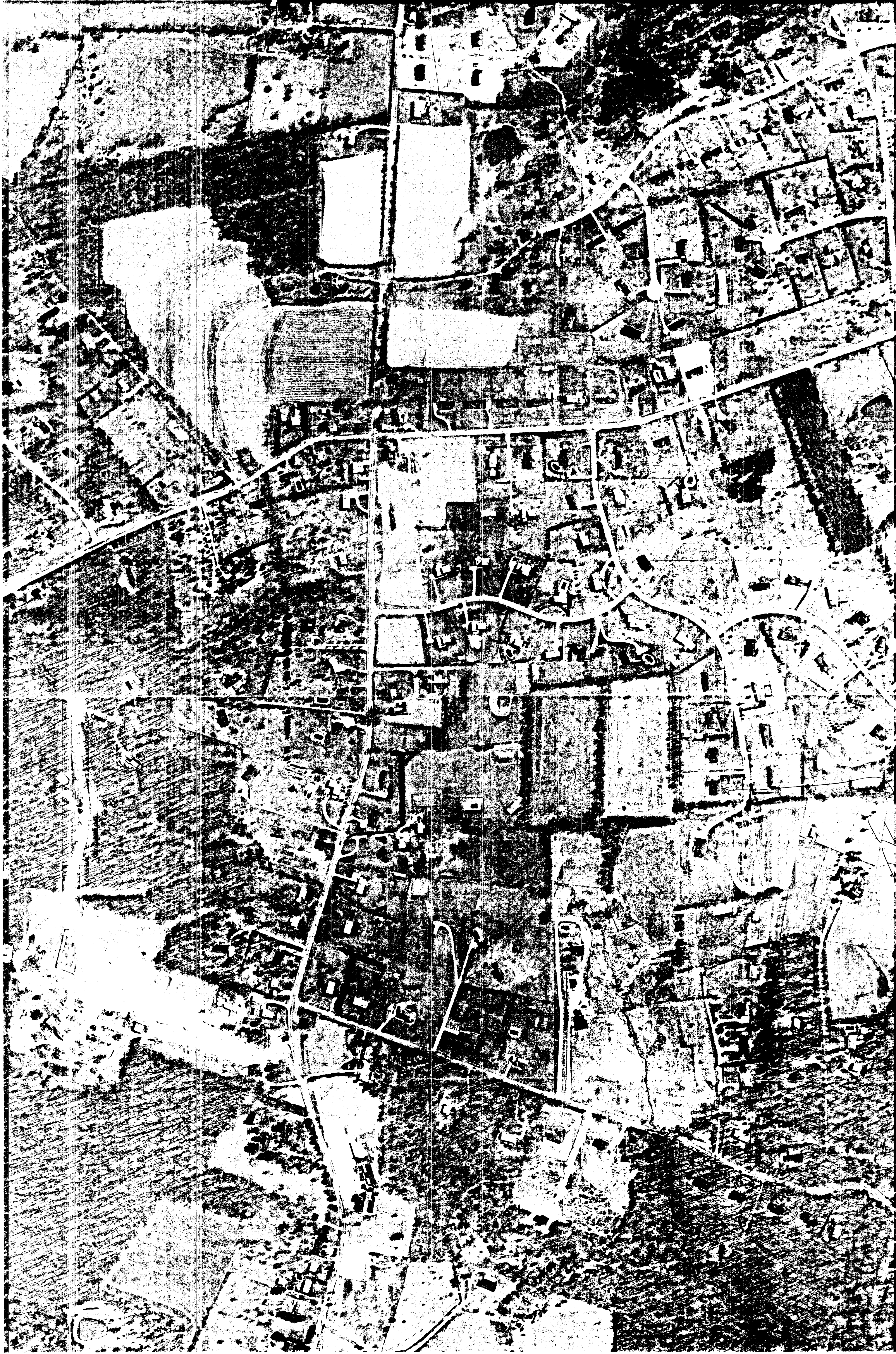
1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

BALTIMORE COUNTY

Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

(SHEET N.E.-19-D)

ZONING MAP
County Council



#258

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

#258

SCALE	LOCATION	SHEET
1" = 200' ±	SWEET AIR	MICROFILMED N.E.
DATE OF PHOTOGRAPHY JANUARY 1986		20-D